

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated July 30, 2003, indicated that claims 1-31 are rejected under 35 U.S.C. § 102(b) over *Lipp* (U.S. Patent No. 5,309,090).

Applicant respectfully traverses the Section 102(b) rejection because the Office Action fails to present a reference that corresponds to each limitation of the claimed invention. The claimed invention is directed to a method of manufacturing and analyzing a die including, for example, selectively controlling heating elements causing a selected section of the die to be heated. The '090 reference teaches that the die is heated evenly thereby failing to teach "selectively controlling the heating elements" as claimed. Col. 3, line 68 – Col. 4, line 2. The claim language, "selectively controlling the heating elements," implicitly includes heating some of the elements but not all of them as indicated by the fact that a portion of the die is heated by selectively controlling the heating elements (claim 1). The MPEP requires that claim language be examined in the context of the corresponding specification which in this case supports the above interpretation of selectively controlling in connection with a portion of the die being heated. *See*, MPEP § 2173.02 and page 8, line 22 – page 9, line 8 of Applicant's Specification. Thus, the evenly distributed heating of the entire die as taught by the '090 reference fails to correspond to Applicant's claimed selectively controlling the heating elements causing a portion of the die to be heated. Without complete correspondence, the Section 102(b) rejection is improper and Applicant accordingly requests that the rejection be withdrawn.

Notwithstanding the above discussion and in an effort to facilitate prosecution, Applicant has amended independent claims 1, 22 and 23 to more clearly indicate the selective controlling of the heating elements. Claims 2, 4 and 13 were also amended to maintain consistency with the claim set. As discussed above, these amendments do not change the scope of the claims as the amended claim language was implicitly present in the previous claim language.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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